

Regular Meeting

The regular meeting of the City Council of the City of Fitchburg was held in the Memorial Middle School Library, 615 Rollstone St., Fitchburg, on July 19, 2016. The meeting was called to order by President Kushmerek at 7:04 P.M. The Clerk called the roll and nine (9) members were present. Councillor Donnelly and Councillor Tran were absent. The meeting opened with a salute to the Flag led by Councillor Kaddy.

Public Forum

PUBLIC FORUM

Larry Casassa, Acting Community Development Director spoke in support of adopting Order 200-16 under suspension of the rules. Nicholas Squailia, 225 Scott Road, spoke in opposition to petition 206-16 stating that the role of City Councillor is not to benefit financially.

Communication

COMMUNICATION

Mary Jo Bohart,
Economic Development
Director

Mary Jo Bohart, Economic Development Director
Re: Pilot Installation
City of Fitchburg's One-Lane Main Street Project.

Re: Pilot Installation
One-Lane Main
Street Project

**City of Fitchburg's One-Lane Main Street Project (Pilot
Installation)**

July 11, 2016

[Written responses to Councilor DiNatale's queries on evaluation
process]

Q) How long will this plan, once implemented, be in effect for?

A) The pilot project would need to be in effect for a long enough duration of time to demonstrate how people flow through the zone during different seasons. In particular, it will be valuable to learn how the new configuration affects such annual events as the *Longsjo Classic bike race* as well the *July 4th parade*. Thus, a twelve (12) month pilot period would be most prudent. However, if it becomes apparent at any time during the trial period that there are issues such as unacceptable public safety problems, intolerable traffic tie-ups, or negative business impacts that are attributable to the one-lane scheme, the city via the Mayor and with input from department heads, could conclude the pilot.

Q) What metrics will be analyzed to assess the success or failure of this plan?

A) Key departments such as Police, Fire and DPW will each be monitoring the number of incidents that may occur within the Main Street corridor during the pilot project. These departments will largely be focused on vehicular travel through the subject area. However, since "complete streets" is rooted in the notion that transportation corridors serve multiple means of transport (vehicle, pedestrian, & bicycle), it will also be key to monitor levels of pedestrian and cyclist activity during the pilot period. This could be done via a combination of periodic photographs, observations by merchants, and on-the-street interviews of passersby. The "Reimagine North of Main" initiative has the manpower and skills to assist with such field interviewing. In addition, the city will perform traffic counts on Main Street to compare with existing pre-pilot data and will monitor traffic on alternate routes to Main Street such as Elm, Prichard and Kimball Streets to determine if negative impacts occur in those areas due to the pilot project.

Communication

Mary Jo Bohart
Economic Development
Director

Re: Pilot
Installation
One lane Main
Street Project

Q) Who or whom will be responsible for making these assessments?

A) Any incident reports from Police, Fire or DPW that may be relevant to the pilot will also be reviewed. Additionally, a polling mechanism will be set up on the municipal website (by the city's Information Technology Dept.) so the general public can share their views on the pilot. Comments from the citizenry will be aggregated by theme/topic so the city can gain insights into the most common concerns or observations by the general public regarding the Main Street pilot. As the pilot period nears its conclusion, survey results from business outreach together with aggregated citizenry comments will be evaluated by a team of key city departments (Police, Fire, DPW, Community Development (Economic Development) & the Mayor's office.

Q) Will each and every business in the affected area be polled on the effectiveness of the proposal at the end of the trial period, and who will be responsible for making these assessments?

A) It will be essential for all commercial stakeholders within the Main Street corridor (tenant businesses & commercial landlords) to be surveyed regarding the impacts or effects that result from the pilot project. This outreach will be done twice; once during the period just after initial installation of the pilot field conditions (i.e. 1-2 months into project), and also a second time (i.e. 6-9 months into project). It will be intentional for the same set of survey questions will be used each time, to gauge whether sentiments toward the pilot change over time once becomes more familiar to users. The Economic Development division of the city's Community Development Department will be responsible for conducting the business survey outreach.

Q) Who or whom will be responsible for making the final determination that the plan was successful or not?

A) Based upon the collective form of feedback and with advisement from the key city departments (Police, Fire, DPW, Community Development (Economic Development), the Mayor will make a final determination as to next appropriate steps beyond the pilot period.

*[responses prepared by Mary Jo Bohart,
Economic Development Director, & Lenny Laakso,
DPW Director]*

Communication read and placed on file in the City Clerk's Office.

Special Presentation
Sharon Bernard
Library Director

SPECIAL PRESENTATION

Sharon Bernard, Library Director
Ken Guyette, OPM, Collier's International
Chris Blessen, Tappe Architects
RE: Library Building Feasibility Study

Sharon Bernard, Fitchburg Public Library Director, and representatives from Colliers International and Tappe Architects were present. They explained that there is a January deadline for the next round of MBLC grant funding for library construction projects. They will be inviting community participation to determine what type of renovations will be done in the library. Some of the major concerns to be addressed are children's library space and flooring, meeting rooms and group study rooms. They will look out twenty years for planning purposes and try to follow current trends. The design will be completed in mid-October and then the grant will be written to support the design. A ballpark cost for the project is not available until design work is completed. The City Council will be presented with hard numbers when the grant application is submitted.

REPORTS OF COMMITTEES

The Appointments Committee recommended the following Appointments be confirmed:

Appointments Committee - Oral Report
Meeting of July 19, 2016

New Appointments:

Election Workers

For the period from September 1, 2016 through August 31, 2017

Re-Appointment:

Airport Commission:

Mr. Richard Liberatore, for a term to expire on July 1, 2019

Report accepted. Appointments confirmed by unanimous vote. 9 members present. Board consists of 11 members.

Council as a Whole Committee
Meeting of July 12, 2016

The Council as a Whole Committee recommended the following Petitions be given leave to withdraw:

196-16. Knute Alfredson, M.D. to reconsider the one-lane Main Street vote of Tuesday, May 17, 2016.

197-16. Mr. Kenneth Posco, to reconsider the vote on May 17, 2016 regarding one-lane Main Street.

Report read and accepted. Petitions given leave to withdraw by vote of 8 in favor and 1 opposed (Beauchemin). 9 members present. Board consists of 11 members.

ORDERS-FINANCE

Orders-Finance

200-16. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Executive Office of Housing and Economic Development for the MassWorks Public Infrastructure Program-River Street Improvement Grant, in the approximate amount of \$428,987, supplementing the previous grant award of \$3,050,000, for the purposes of said grant.

Order adopted under suspension of the Rules by unanimous vote. 9 members present. Board consists of 11 members. Order signed by the Mayor July 20, 2016.

The following Orders were referred to a Public Hearing August 18, 2016:

201-16. ORDER: Eminent Domain for the Safe Routes to School (South St., Fairbanks St., Old South St., Ellis St. & Electric Ave.) Temporary Easements as outlined in the enclosed Order.

City of Fitchburg

COMMONWEALTH OF MASSACHUSETTS

FITCHBURG CITY CLERK

In City Council, 16 JUL 14 10 23

Worcester, S.S.
ORDERED: That

City of Fitchburg
City Council

In RE: Eminent Domain for the Safe Routes to School
South Street, Fairbanks Street, Old South Street,
Ellis Street and Electric Ave.
Registered Land

WHEREAS The Commissioner of the Department of Public Work has requested that the City exercise its power of eminent domain;

WHEREAS under the provisions of M.G.L. c. 43 § 30 and M.G.L. c. 79 § 1 et. al. the City Council of the City of Fitchburg is authorized to acquire property for the purposes of improving rights of way in the City of Fitchburg; and

WHEREAS the City Council of the City of Fitchburg, duly established under the law has decreed by a vote duly passed and recorded that public necessity and convenience require the taking by the City of Fitchburg by eminent domain for the purposes of improving rights of way in the City of Fitchburg, of an easement and certain interests or parcels of land in Fitchburg, Massachusetts including all trees upon said land, as hereinafter described; and

WHEREAS appraisals of the aforesaid parcels of land to be taken have been heretofore made and filed with the taking Authority; and

WHEREAS an appropriation for such taking by eminent domain was made by the City Council of the City of Fitchburg on June 7, 2016, by a vote in excess of two-thirds thereof as required by M.G.L. c. 40, § 14, and Section 30 of the City Charter, the appropriation having been carried forward in the account and now being available for the purpose of the present taking; and

WHEREAS the City of Fitchburg on August 18, 2016, afforded a hearing in accordance with the provisions of M.G.L. c. 79, § 5B at which hearing those persons, if any, not consenting to the taking hereinafter set forth of their property used for agriculture or farming purposes were

Orders-Finance
(cont)

given an opportunity to be heard and allowed to introduce evidence that other land is available for the intended public use of this taking;

NOW THEREFORE:

BE IT ORDERED that the City of Fitchburg by the City Council under the authority vested in said Council by virtue of M.G.L. c. 79 and all and every other power enabling it, does hereby take by eminent domain, easements and certain rights including the right for its agents, servant and employees to enter upon the below described land for the purposes of constructing, installing, adding to and maintaining certain rights of way, utilities and related equipment and structures temporarily in and on land located in Fitchburg, Massachusetts, including the trees upon said land, and bounded and described as follows:

(Description of Land taken)

Temporary Easements

The temporary easements are taken for three years with said period beginning on the first date of construction are described as follows:

Certain portions of parcels of lands located on South St., Ellis St., Fairbanks St., Old South St. and Electric Avenue situated in the City of Fitchburg, Worcester County, Commonwealth of Massachusetts. The portions of parcels are shown on a plan entitled "Easement Plan of Land in Fitchburg, MA." Scale: 1"=20', dated June 22, 2016, prepared by Hancock Associates, to be recorded herewith at Plan Book 507 Page 8. The easement numbers are provided below refer to and incorporate the said plan.

NAME	ADDRESS	ASSESSOR'S ID.	EASEMENT NO. / SQUARE FOOTAGE	MARGINAL REFERENCE

EVAN D. CROFT & ASHLEY A. DEVENEAU	333 SOUTH ST	Map 107, Lot 19	TE-19 Appox. 687	Cert. # 1811 Doc. #10,436
TODD M. UPTON & DENNIS C. HENDRICKSON	323-325 SOUTH ST	Map 107, Lot 20	TE-20 Appox. 1,117	Cert. # 1893 Doc. # 11,093

Together with the right of ingress and egress over the subject lands adjacent to the taken easements to the extent reasonably necessary in order to exercise the rights taken.

The trees upon the land above are included in the taking. No structures are included in this taking.

No betterments are to be assessed for this improvement.

Orders-Finance
(cont)

COMMONWEALTH OF MASSACHUSETTS

Worcester, S.S.

City of Fitchburg
City Council

In RE: Order of Eminent Domain for the Safe Routes to School
South Street, Fairbanks Street, Old South Street,
Ellis Street and Electric Ave.
Registered land

Upon a motion made and duly seconded, it was voted by__Yeas and__Nays that public necessity and convenience require the taking of easements and certain interests in real property pursuant to M.G.L. c. 79 for legitimate public purpose by the City of Fitchburg by and through its City Council for land located in the City of Fitchburg, Massachusetts for the purposes of improving rights of way in the City of Fitchburg, including the removal of trees upon said land, all of which are fully described in the description of land taken in the order of taking hereto attached and made part of this record as if fully set forth herein.

Award of Damages

And it is further ORDERED that the following persons whose property has been taken or who are otherwise entitled to damages on account of such taking be awarded, and they hereby are awarded, as the damages sustained by them in the following amounts severally set against their names on the attacked record of the Vote.

NAME	ADDRESS	ASSESSOR'S ID.	EASEMENT NO.	AWARD OF DAMAGES
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EVAN D. CROFT &	333 SOUTH ST	Map 107, Lot 19	TE-19	\$550.00
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Orders-Finance
(cont)

ASHLEY A. DEVENEAU				
TODD M. UPTON & DENNIS C. HENDRICKSON	323-325 SOUTH ST	Map 107, Lot 20	TE-20	\$410.00

The same to be charged to the DPW – HIGHWAY GENERAL EXPENCES RIGHT OF WAY – ACCOUNT #01410746-545229.

Order adopted by a yea and nay vote of ____ Yeas and ____ Nays.

A TRUE COPY

ATTEST _____

Clerk of the Fitchburg City Council

I hereby certify that the forgoing is a true copy of an order of Taking adopted by the City Council of the City of Fitchburg on August 18, 2016.

Clerk of the Fitchburg City Council

Orders-Finance
(cont)

202-16. ORDER: Eminent Domain for the Safe Routes to School
(South St., Fairbanks St., Old South St., Ellis St. &
Electric Ave.) Temporary and Permanent Easements as
outlined in the enclosed Order.

City of Fitchburg

COMMONWEALTH OF MASSACHUSETTS

FITCHBURG CITY CLERK

In City Council, 16 JUL 14 10

Worcester, S.S.
ORDERED:-- That

City of Fitchburg
City Council

In RE: Eminent Domain for the Safe Routes to School
South Street, Fairbanks Street, Old South Street,
Ellis Street and Electric Ave.

WHEREAS The Commissioner of the Department of Public Work has requested that the
City exercise its power of eminent domain;

WHEREAS under the provisions of M.G.L. c. 43 § 30 and M.G.L. c. 79 § 1 et. al. the
City Council of the City of Fitchburg is authorized to acquire property for the purposes of
improving rights of way in the City of Fitchburg; and

WHEREAS the City Council of the City of Fitchburg, duly established under the law has
decreed by a vote duly passed and recorded that public necessity and convenience require the
taking by the City of Fitchburg by eminent domain for the purposes of improving rights of way
in the City of Fitchburg, of an easement and certain interests or parcels of land in Fitchburg,
Massachusetts including all trees upon said land, as hereinafter described; and

WHEREAS appraisals of the aforesaid parcels of land to be taken have been heretofore
made and filed with the taking Authority; and

WHEREAS an appropriation for such taking by eminent domain was made by the City
Council of the City of Fitchburg on June 7, 2016, by a vote in excess of two-thirds thereof as
required by M.G.L. c. 40, § 14, and Section 30 of the City Charter, the appropriation having been
carried forward in the account and now being available for the purpose of the present taking; and

WHEREAS the City of Fitchburg on August 18, 2016, afforded a hearing in accordance
with the provisions of M.G.L. c. 79, § 5B at which hearing those persons, if any, not consenting
to the taking hereinafter set forth of their property used for agriculture or farming purposes were

Property Address: South St., Ellis St., Fairbanks St., Old South St. and Electric Ave.

given an opportunity to be heard and allowed to introduce evidence that other land is available for the intended public use of this taking;

NOW THEREFORE:

BE IT ORDERED that the City of Fitchburg by the City Council under the authority vested in said Council by virtue of M.G.L. c. 79 and all and every other power enabling it, does hereby take by eminent domain, easements and certain rights including the right for its agents, servant and employees to enter upon the below described land for the purposes of constructing, installing, adding to and maintaining certain rights of way, utilities and related equipment and structures both permanently and temporarily and for the public to have a permanent right of way and access to the same permanently as identified in the plan referred to herein, in and on land located in Fitchburg, Massachusetts, including the trees upon said land, and bounded and described as follows:

(Description of Land taken)

Permeant easements are described as follows:

Parcel E-1

A certain parcel of land located on Electric Avenue situated in the City of Fitchburg, Worcester County, Commonwealth of Massachusetts. The parcel is shown on a plan entitled "Easement Plan of Land in Fitchburg, MA." Scale: 1"=20', dated June 22, 2016, prepared by Hancock Associates, to be recorded herewith at Plan Book 507 Page 8 and more particularly described as follows:

Beginning at a point on the southerly sideline of Electric Avenue at land now or formerly of 459 South Street LLC, said point bearing N 56°16'45" E 129.35 feet from a disk in a concrete bound, said point also being the northwesterly most corner of the following described parcel, thence;

N 56°16'45" E a distance of two hundred sixty-six and five hundredths (266.05) feet to a point, thence;

Southeasterly along a curve to the right with a radius of forty and zero hundredths (40.00) feet and a distance of forty and ninety-three hundredths (40.93) feet to a point, thence;

Orders-Finance
(cont)

S 24°54'08" W	a distance of five and zero hundredths (5.00) feet to a point, thence;
Northwesterly	along a non-tangent curve to the left with a radius of thirty-five and zero hundredths (35.00) feet and a distance of thirty-five and eighty-one hundredths (35.81) feet to a point, thence;
S 56°16'45" W	a distance of thirty-eight and five hundredths (38.05) feet to a point, thence;
S 33°43'15" E	a distance of five and zero hundredths (5.00) feet to a point, thence;
S 56°16'45" W	a distance of one hundred forty and zero hundredths (140.00) feet to a point, thence;
S 33°43'15" E	a distance of six and zero hundredths (6.00) feet to a point, thence;
S 56°16'45" E	a distance of eight and zero hundredths (8.00) feet to a point, thence;
N 33°43'15" W	a distance of ten and zero hundredths (10.00) feet to a point, thence;
S 56°16'45" W	a distance of eighty and zero hundredths (80.00) feet to a point, thence;
N 33°43'15" W	a distance of six and zero hundredths (6.00) feet to the point of beginning.

Said parcel contains 2,390 square feet of land more or less according to the above referenced plan.

Parcel E-2

A certain parcel of land located on Electric Avenue and South Street situated in the City of Fitchburg, Worcester County, Commonwealth of Massachusetts. The parcel is shown on a plan entitled "Easement Plan of Land in Fitchburg, MA." Scale: 1"=20', dated June 22, 2016, prepared by Hancock Associates, to be recorded herewith at Plan Book 507 Page 8 and more particularly described as follows:

Beginning at a point on the southerly sideline of Electric Avenue at land now or formerly of Louis P. Joseph, Jr., said point bearing S 56°16'45" W 57.14 feet from a drill hole in a concrete bound, said point also being the northeasterly most corner of the following described parcel, thence;

Southwesterly	along a curve to the left with a radius of ten and zero hundredths (10.00) feet and a distance of fifteen and twenty-seven hundredths (15.27) feet to a point, thence;
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Southerly along a curve to the left with a radius of one thousand three hundred seventy and twenty-five hundredths (1370.25) feet and a distance of sixteen and fifty-one hundredths (16.51) feet to a point, thence;

S 58°43'22" W a distance of five and zero hundredths (5.00) feet to a point on the easterly sideline of South Street, thence;

N 31°21'35" W a distance of twenty-five and eighty-seven hundredths (25.87) feet to a point on the southerly sideline of Electric Avenue, thence;

N 56°16'45" E a distance of fourteen and fifty-four hundredths (14.54) feet to the point of beginning.

Said parcel contains 148 square feet of land more or less according to the above referenced plan.

Temporary Easements

The temporary easements are taken for three years with said period beginning on the first date of construction are described as follows:

Certain portions of parcels of lands located on South St., Ellis St., Fairbanks St., Old South St. and Electric Avenue situated in the City of Fitchburg, Worcester County, Commonwealth of Massachusetts. The portions of parcels are shown on a plan entitled "Easement Plan of Land in Fitchburg, MA." Scale: 1"=20', dated June 22, 2016, prepared by Hancock Associates, to be recorded herewith at Plan Book 507 Page 8. The easement numbers are provided below refer to and incorporate the said plan.

NAME	ADDRESS	ASSESSOR'S ID.	EASEMENT NO. / SQUARE FOOTAGE	MARGINAL REFERENCE
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459 SOUTH ST LLC	459 SOUTH ST	Map 119, Lot 4	TE-1 Appox. 2,742	Book 8512-259
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Orders-Finance
(cont)

LOUIS P. JOSEPH JR	465 OLD SOUTH ST	Map 119, Lot 42	TE-3 Appox. 921	Book 5150-79 Book 5458-95
BRUCE J. & SNADRA FORTUNATO	410 SOUTH ST	Map 119, Lot 7	TE-5 Appox. 2,754	Book 4599-368
BERNARD J. LAROCHÉ JR	419 SOUTH ST	Map 119, Lot 5	TE-6 Appox. 825	Book 3222-73
ELAINE M. BERUBE	411 SOUTH ST	Map 119, Lot 6	TE-7 Appox. 1,419	Book 1517-161
ROBERT B. LAFLEUR JR	395 SOUTH ST	Map 107, Lot 1	TE-8 Appox. 1,072	Book 8104-154
MARK J. & MARTHA A. LANCETTE	389 SOUTH ST	Map 107, Lot 2	TE-10 Appox. 332	Book 3004-30
PAUL R. & LYNN D. ST GERMAIN	379 SOUTH ST	Map 107, Lot 4	TE-11 Appox. 73	Book 3117-328
CARL F. & DIANNE M. GODDARD	367 SOUTH ST	Map 107, Lot 5	TE-12 Appox. 660	Book 2606-126
MICHAEL & JILL G. MAHONEY	357 SOUTH ST	Map 107, Lot 7	TE-14 Appox. 360	Book 1403-304

Orders-Finance
(cont)

ELIZABETH A DUNNING	353 SOUTH ST	Map 107, Lot 8	TE-15 Appox. 385	Book 8465-237
GERALD M. & DONNA M. DURKEE	344 SOUTH ST	Map 107, Lot 32	TE-16 Appox. 1,019	Book 3876-85
SEBASTIAN CAZARD	343 SOUTH ST	Map 107, Lot 18	TE-17 Appox. 448	Book 5019-216
SOUTH STREET REALTY TRUST- WILLIAM F. CHOATE TRUSTEE	332 SOUTH ST	Map 107, Lot 31	TE-18 Appox. 970	Book 8350-285
EVAN D. CROFT & ASHLEY A. DEVENEAU	333 SOUTH ST	Map 107, Lot 19	TE-19 Appox. 687	Cert. # 1811 Doc. #10,436
TODD M. UPTON & DENNIS C. HENDRICKSON	323-325 SOUTH ST	Map 107, Lot 20	TE-20 Appox. 1,117	Cert. # 1893 Doc. # 11,093
LIVINGSTONE NGANGA &	3 FAIRBANKS ST	Map 107, Lot 30	TE-21 Appox. 556	Book 6888-274

Orders-Finance
(cont)

LUCY W. MWAURA				
NICOLE MOORSHEAD, TRUSTEE- 301 SOUTH ST NOMINEE REALTY TRUST	301-319 SOUTH ST	Map 94, Block 61	TE-22 Appox. 505	Book 6646-260
ROBERT G. & MICHELLE F. BLAISDELL	4 FAIRBANKS ST	Map 107, Lot 21	TE-23 Appox. 450	Book 2893-219
PHILLIP J. & SHEILA B. REDA	450 OLD SOUTH ST	Map 119, Lot 8	TE-24 Appox. 60	Book 8342-235

Together with the right of ingress and egress over the subject lands adjacent to the taken easements to the extent reasonably necessary in order to exercise the rights taken.

The trees upon the land above are included in the taking. No structures are included in this taking.

No betterments are to be assessed for this improvement.

COMMONWEALTH OF MASSACHUSETTS

Worcester, S.S.

City of Fitchburg
City Council

In RE: Order of Eminent Domain for the Safe Routes to School
South Street, Fairbanks Street, Old South Street,
Ellis Street and Electric Ave.

Upon a motion made and duly seconded, it was voted by__ Yeas and__ Nays that public necessity and convenience require the taking of easements and certain interests in real property pursuant to M.G.L. c. 79 for legitimate public purpose by the City of Fitchburg by and through its City Council for land located in the City of Fitchburg, Massachusetts for the purposes of improving rights of way in the City of Fitchburg, including the removal of trees upon said land, all of which are fully described in the description of land taken in the order of taking hereto attached and made part of this record as if fully set forth herein.

Award of Damages

And it is further ORDERED that the following persons whose property has been taken or who are otherwise entitled to damages on account of such taking be awarded, and they hereby are awarded, as the damages sustained by them in the following amounts severally set against their names on the attached record of the Vote.

NAME	ADDRESS	ASSESSOR'S ID.	EASEMENT NO.	AWARD OF DAMAGES
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459 SOUTH ST LLC	459 SOUTH ST	Map 119, Lot 4	TE-1 E-1	\$6,740.00
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Orders-Finance
(cont)

LOUIS P. JOSEPH JR	465 OLD SOUTH ST	Map 119, Lot 42	TE-3 E-2	\$780.00
BRUCE J. & SNADRA FORTUNATO	410 SOUTH ST	Map 119, Lot 7	TE-5	\$630.00
BERNARD J. LAROCHÉ JR	419 SOUTH ST	Map 119, Lot 5	TE-6	\$460.00
ELAINE M. BERUBE	411 SOUTH ST	Map 119, Lot 6	TE-7	\$480.00
ROBERT B. LAFLEUR JR	395 SOUTH ST	Map 107, Lot 1	TE-8	\$360.00
MARK J. & MARTHA A. LANCETTE	389 SOUTH ST	Map 107, Lot 2	TE-10	\$390.00
PAUL R. & LYNN D. ST GERMAIN	379 SOUTH ST	Map 107, Lot 4	TE-11	\$60.00
CARL F. & DIANNE M. GODDARD	367 SOUTH ST	Map 107, Lot 5	TE-12	\$280.00
MICHAEL & JILL G. MAHONEY	357 SOUTH ST	Map 107, Lot 7	TE-14	\$280.00

ELIZABETH A DUNNING	353 SOUTH ST	Map 107, Lot 8	TE-15	\$500.00
GERALD M. & DONNA M. DURKEE	344 SOUTH ST	Map 107, Lot 32	TE-16	\$960.00
SEBASTIAN CAZARD	343 SOUTH ST	Map 107, Lot 18	TE-17	\$420.00
SOUTH STREET REALTY TRUST- WILLIAM F. CHOATE TRUSTEE	332 SOUTH ST	Map 107, Lot 31	TE-18	\$700.00
EVAN D. CROFT & ASHLEY A. DEVENEAU	333 SOUTH ST	Map 107, Lot 19	TE-19	\$550.00
TODD M. UPTON & DENNIS C. HENDRICKSON	323-325 SOUTH ST	Map 107, Lot 20	TE-20	\$410.00
LIVINGSTONE NGANGA &	3 FAIRBANKS ST	Map 107, Lot 30	TE-21	\$1,020.00

Orders-Finance
(cont)

LUCY W. MWAURA				
NICOLE MOORSHEAD, TRUSTEE- 301 SOUTH ST NOMINEE REALTY TRUST	301-319 SOUTH ST	Map 94, Block 61	TE-22	\$120.00
ROBERT G. & MICHELLE F. BLAISDELL	4 FAIRBANKS ST	Map 107, Lot 21	TE-23	\$420.00
PHILLIP J. & SHEILA B. RENDA	450 OLD SOUTH ST	Map 119, Lot 8	TE-24	\$40.00

The same to be charged to the DPW – HIGHWAY GENERAL EXPENCES RIGHT OF WAY – ACCOUNT #01410746-545229.

Order adopted by a yeas and nays vote of ____ Yeas and ____ Nays.

A TRUE COPY

ATTEST _____

Clerk of the Fitchburg City Council

I hereby certify that the forgoing is a true copy of an order of Taking adopted by the City Council of the City of Fitchburg on August 18, 2016.

Clerk of the Fitchburg City Council

ORDER-OTHER

Order-Other

203-16. ORDER: Authorizing the City Clerk to notify the voters of the State Primary to be held on September 8, 2016.

Commonwealth of Massachusetts
William Francis Galvin
Secretary of the Commonwealth
City of Fitchburg
STATE PRIMARY
Thursday, September 8, 2016

the City Clerk be and hereby is authorized and directed to warn and notify the voters of each of the several Wards and Precincts of the City of Fitchburg, duly qualified to vote in Primaries, to assemble in their respective polling places, as designated by the City Council as follows:

Ward 1, Precincts A & B	Knights of Columbus Hall 165 Electric Avenue
Ward 2, Precincts A & B	St. Joseph's Church Hall Woodland Street
Ward 3, Precincts A & B	Memorial Middle School Gymnasium 615 Rollstone Street
Ward 4, Precincts A & B	Senior Citizens Center 14 Wallace Avenue
Ward 5, Precincts A & B	MART Intermodal Center 100 Main St.
Ward 6, Precincts A & B	St. Bernard's Activity Center 280 Summer Street

On Thursday, September 8, 2016 then and there, for the purpose of casting their votes in the State Primaries for the candidates of political parties for the following offices:

REPRESENTATIVE IN CONGRESS
COUNCILLOR
SENATOR IN GENERAL COURT

REPRESENTATIVE IN GENERAL COURT

SHERIFF

THIRD DISTRICT
SEVENTH DISTRICT
WORCESTER AND
MIDDLESEX DISTRICT
THIRD WORCESTER
DISTRICT
WORCESTER COUNTY

It is further ordered that the polling places legally designated by the City Council be opened at 7:00 o'clock in the forenoon and be closed at 8:00 o'clock in the evening. The City Clerk be and hereby is authorized to cause notice to be given by publication of this Order in the daily newspaper and by posting a copy of the same in a conspicuous place in the office of the City Clerk and in each Ward and Precinct of the City.
Michael Kushmerek
City Council President

Order-Other (cont)

Estado de Massachusetts
William Francis Galvin
Secretario Del Estado
Ciudad de Fitchburg
Elecciones Estatales

Jueves, 08 de septiembre 2016

El Secretario de la Ciudad, por la presente es autorizado y dirigido a alertar y notificar a los votantes de los distritos y recintos de la Ciudad de Fitchburg, debidamente calificados para votar en Primarias, a reunirse en sus respectivos lugares de votación, según lo señalado por el Consejo Municipal de la siguiente manera:

Distrito 1, Recintos Electorales A & B	Knights of Columbus Hall 165 Electric Avenue
Distrito 2, Recintos Electorales A & B	St. Joseph's Church Hall Woodland Street
Distrito 3, Recinto Electorales A & B	Memorial Middle School Gymnasium 615 Rollstone Street
Distrito 4, Recintos Electorales A & B	Senior Citizens Center 14 Wallace Avenue
Distrito 5, Recintos Electorales A & B	MART Intermodal Center 100 Main St.
Distrito 6, Recintos Electorales A & B	St. Bernard's Activity Center 280 Summer Street

El Jueves, 08 de septiembre 2016, en el acto, con el propósito de emitir su voto en las elecciones primarias estatales para los candidatos de los partidos políticos para los siguientes puestos:

REPRESENTANTE EN EL CONGRESO	DISTRITO TERCERO
CONCEJAL	DISTRITO SEPTIMO
SENADOR DE LA LEGISLATURA ESTATAL	DISTRITO DE WORCESTER Y MIDDLESEX
REPRESENTANTE DE LA LEGISLATURA ESTATAL	DISTRITO TERCERO DE WORCESTER
ALGUACIL	CONDADO DE WORCESTER

Además, se ordenó que los lugares de votación legalmente designados por el Consejo Municipal se abran a las 7:00 de la mañana y se cierren a las 8:00 de la noche. El Secretario de la Ciudad, de esta manera está autorizado para anunciar; y se hará mediante una publicación de esta Orden en el diario y mediante la publicación de una copia de la misma en un lugar visible en la oficina del Secretario de la Ciudad y en cada distrito y recinto electoral de la ciudad.

Michael Kushmerek
Presidente, Consejo de la Ciudad

In City Council July 19, 2016

Order was read and adopted by unanimous vote. 9 members present. Board consists of 11 members. Signed by the Mayor July 20, 2016

Anna M. Farrell, Clerk

Order adopted under suspension of the Rules by unanimous vote.
9 members present. Board consists of 11 members.
Order signed by the Mayor July 20, 2016.

ORDINANCES

- 204-16. AN ORDINANCE: Establishing the Westminster Hill Road Commercial Recreation Overlay District as outlined in the enclosed Ordinance.
(Reference Petitions 106-16 and 107-16)

CITY OF FITCHBURG

IN THE YEAR

FITCHBURG CITY CLERK

16 JUL 14 12 17

AN ORDINANCE

Be it ordained by the City Council of the City of Fitchburg, as follows:

181.89A WESTMINSTER HILL ROAD COMMERCIAL RECREATION OVERLAY DISTRICT (WROD)

181.89A1 Purpose. The intent of the Westminster Hill Road Recreation Overlay District is:

181.89A11. To encourage facilities that are important for the growth and sustainability of team sports.

181.89A12. To permit and promote recreation sports for not only the citizens of Fitchburg, but also for communities throughout our region.

181.89A13. To provide an opportunity for added community and family based tourism in the City of Fitchburg.

181.89A14. To provide an amenity to the City of Fitchburg that is consistent with and promoting other land uses.

181.89A15. Encourage the most appropriate use of land throughout the city.

181.89A16. To generate positive tax revenue, while increasing employment opportunities and strengthen the local businesses/economy.

181.89A17 For the purpose of achieving the public goal of increased commercial development.

181.89A2 Establishment.

The Westminster Hill Road Commercial Recreation Overlay District is hereby established, the district shall include the following parcel identification numbers: S32-10-0, S32-13-0, S32-14-A, S32-17-0, S32-5-0, S32-6-A, and S32-7-0.

181.89A3 Administration.

The approval authority for Site Plan Review and Special Permits in the Westminster Hill Road Commercial Recreation Overlay District shall be the Planning Board.

181.89A4 Definitions.

COMMERCIAL RECREATION – Indoor or outdoor facilities, operated such as a business and open to the public as facilities for ice skating, roller-skating, racquet sports, bowling, horseback riding, swimming, miniature golf and outdoor and open-air live theater.

Ordinance #205-16

205-16. AN ORDINANCE: Establishing section 181.89A5 (Use regulations) section 181.89A6 (Special Permit and site plan review requirements); section 181.89A7 (Waivers) and section 181.89A8 (Severability) as outlined in the enclosed Ordinance.
(Reference Petitions 106-16 and 107-16)

CITY OF FITCHBURG

IN THE YEAR

FITCHBURG CITY CLERK

16 JUL 14 12 18

AN ORDINANCE

Be it ordained by the City Council of the City of Fitchburg, as follows:

181.89A5 Use Regulations.

Notwithstanding the definition of "Commercial Recreation" in Section 181.10 of the Zoning Ordinance, which allows a wide variety of Commercial Recreational uses, the allowed uses in the Westminster Hill Road Commercial Recreational Overlay District shall be limited to facilities for soccer, lacrosse, and other team sports.

Accessory uses such as dining for users of the commercial recreation facility, parking, gift shop, pro shop, medical offices, day care, solar or wind power generation for the primary use of the Commercial Recreation facility, and any other use that is compatible with the commercial recreational use permitted in this overlay district.

181.89A6 Special Permit and Site Plan Review Requirement.

All development under the Westminster Hill Road Commercial Recreation Overlay District requires a Special Permit from the Planning Board in accordance with Section 181.93 and Site Plan Review in accordance with 181.94, where applicable.

181.89A7 Waivers.

181.89A71. The Planning Board may waive strict adherence to sections of this ordinance if it finds that the safety and well-being of the public will not be adversely affected by such a waiver. For each waiver granted, the Planning Board will make a written record indicating that the proposed development meets the purpose of this bylaw.

181.89A72. All requests for waivers shall be made in writing on a separate sheet (or sheets) of paper and be attached to the site plan review special permit application and be presented at the time of the initial application.

181.89A73. Requests for waivers shall indicate the section number and the reason the applicant needs the waiver along with any documentation to support the request.

181.89A8 Severability.

If any provision of this Ordinance is found to be invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected but shall remain in full force. The invalidity of any section of this bylaw shall not affect the validity of the remainder of the City of Fitchburg Zoning Ordinance.

Ordinances were passed to a first and second reading and ordered advertised by unanimous vote. 9 members present. Board consists of 11 members.

PETITIONS

The following Petition was referred to the Finance Committee and Legislative Affairs by vote of 6 in favor and 3 opposed (Joseph, DiNatale, Kaddy):

- 206-16. Councillors Bean, Beauchemin, Green, Bisol and Clark, to restore the option to allow the City Council members to participate in health care benefits.

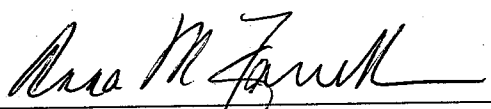
The following Petition was referred to the Legislative Affairs Committee:

- 207-16. Barbara Nealon, Chairperson, Human Rights Commission, to increase the Human Rights Commission membership from five members and one associate member to nine members and two associate member.

The following Petition was referred to the Public Safety Committee:

- 208-16. Councillor Angelo Bisol and Councillor Marcus DiNatale, to install a safety mirror in the cross walk at the intersection of Townsend Street and John Fitch Highway.

The meeting adjourned at 7:41 P.M.



Anna M. Farrell, Clerk